

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

JULIO CESAR ROJAS, §
§
Plaintiff, §
§
v. §
§ CIVIL ACTION NO. 5:22-CV-89-RWS-JBB
KYLI MOGANNAN, ET AL., §
§
Defendants. §

ORDER OF DISMISSAL

Plaintiff Julio Cesar Rojas, proceeding *pro se*, filed the above-styled and numbered civil rights lawsuit complaining of alleged deprivations of his constitutional rights. Docket No. 1. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

While Plaintiff indicated that his complaint was eleven pages in length, the Court received only the first three pages. *Id.* The complaint indicated that the events complained of and the defendants sued were located within the territorial jurisdiction of the U.S. District Court for the Southern District of Texas. *See id.* After review of the pleadings, the Magistrate Judge issued a report recommending that the lawsuit be dismissed without prejudice for improper venue, allowing the Plaintiff to refile his case in the Southern District of Texas. Docket No. 5. Court records show that Plaintiff has in fact done so. *Rojas v. Mogannan, et al.*, Civil Action No. 3:24-CV-61 (S.D. Tex., filed February 29, 2024).

Plaintiff received a copy of the Magistrate Judge's report on January 9, 2024, but filed no objections. *See* Docket No. 6. As a result, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); ;

Arriaga v. Laxminarayan, Case No. 4:21-CV-00203- RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021).

The Court has reviewed the pleadings in this case and the report of the Magistrate Judge. Upon such review, the Court has determined that the report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), cert. denied, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.") It is accordingly

ORDERED that the report of the Magistrate Judge (Docket No. 5) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for improper venue. This dismissal shall not affect Plaintiff's right to pursue his claims in the Southern District of Texas.

So ORDERED and SIGNED this 16th day of May, 2024.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE